

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendment of the Amateur
Service Rules to Change
Procedures for Filing an
Amateur Service License
Application and to Make
Other Procedural Changes.

ORDER

Adopted: October 17, 1994; Released: October 24, 1994

By the Chief, Private Radio Bureau:

1. This *Order* amends the amateur service rules to provide an electronic filing capability to the volunteer-examiner coordinators (VECs),¹ to clarify that amateur station and operator licenses are authorized as soon as the license data is entered into the Commission's licensee data base, and to reflect other nonsubstantive procedural changes.

2. **Electronically-filed license applications.** Successful license examinees want their licenses granted as soon as possible so that they can operate their amateur stations. Recent modernization of the Commission's data processing capabilities makes it possible to greatly reduce the time it takes for us to grant licenses in the amateur service. By accepting from the VECs electronically filed data from applications for new and upgraded amateur operator licenses, the time and effort required for the VECs to send, and for the Commission to receive, application documents by mail would be eliminated.² All of the VECs have notified us that they want to begin electronic filing of license application data as soon as possible. As part of their rou-

tine operations, they enter the data from the application documents they receive into an electronic form that can be sent at high speed over telephone lines to our license processing facility. This data can be used as received so that our license processors could discontinue manually reentering the data into the processing system. We have been making arrangements with the VECs, therefore, to enable them to use electronic filing procedures similar to those that have been implemented for certain private land mobile radio services.³ The application form,⁴ moreover, has been revised to accommodate electronic filing. We are, accordingly, amending Section 97.519⁵ to enable a VEC to forward electronically the data from the application documents for the examination sessions it coordinates.⁶ VECs may also continue to send by mail to our license processing facility the application documents.

3. **License Grant.** The decision to grant a license occurs when our license processing facility enters the data into the amateur service licensee data base.⁷ Currently, however, the new licensee must delay beginning operation until a license document can be printed, mailed, and delivered.⁸ This procedure can result in several weeks delay during which the licensee cannot operate an amateur station. Fortunately, information technology is making our amateur service licensee data base more widely available, thus diminishing the need for an amateur operator to hold a license document before exercising the privileges authorized by the grant of the license.⁹ We are amending the rules, therefore, to authorize operation on the basis of the licensee data appearing in the amateur service licensee data base.¹⁰

4. **Procedural changes.** Beginning in 1995,¹¹ our new system will give our license processing facility the capability to make a timely mailing to a licensee's address of record a renewal short form,¹² filled in and ready for signature. We are amending the rules, therefore, to allow this form to be so used. Because we cannot be certain of delivery of the form to every licensee in every instance, however, we will also continue to allow the longer forms¹³ to be used for renewing licenses. We are also combining

¹ There are eighteen VECs that coordinate the work of some 30,000 volunteer examiners (VEs) who prepare and administer examinations for new and upgraded amateur operator licenses. As part of this process, the VECs receive and screen the application forms from the VEs and forward them to the Commission. One of the VECs is prepared to submit the data on a computer diskette. The remainder want to use the telephone lines for this purpose.

² Under Section 3.16.4 of *Instructions For Volunteer Examiner Coordinators*, the VECs retain examination session records for fifteen months. Except for a brief period at the start of electronic filing during which the VECs will also submit the paper forms for verification of the data that is filed electronically, the VEC will retain the paper forms and make them available to the Commission upon request.

³ See *Order* 8 FCC Rcd 2662 (1993).

⁴ FCC Form 610, November 1993.

⁵ 47 C.F.R. § 97.519.

⁶ Paper applications from licensees that are filed directly with the Commission, such as license renewal and modification, will continue to be sent by mail until such time as electronic filing can be extended to these transactions.

⁷ This data base resides in a magnetic storage media. It contains information such as the licensee's name, address, class of

operator license, and station call sign. The information is used for regulatory functions such as verifying that a transmitting station has a license grant and for contacting the licensee quickly in case the station is causing interference.

⁸ See Section 97.7 of the Commission's Rules, 47 C.F.R. § 97.7.

⁹ The amateur service licensee data base is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, (703) 487-4600 or 1-800-553-NTIS. It also is distributed by a number of suppliers in the private sector. The amateur service community makes the data base widely available through their electronic bulletin boards and packet radio systems. We intend, in the future, to make the current licensee data base publicly available through an accessible, on-line, read-only electronic system.

¹⁰ See Section 97.9(a) of the Commission's Rules, 47 C.F.R. § 97.9(a). Requiring a license document to be in the personal possession of an amateur service licensee is not as necessary as in the past because we generally rely upon the licensee data base to confirm that the licensee is authorized to operate a station in the amateur service.

¹¹ The beginning date will be announced by public notice.

¹² FCC Form 610-R.

¹³ FCC Form 610 is for use by persons. FCC Form 610-B is used by club, military recreation, and RACES stations.

into Section 97.509¹⁴ all of the administering volunteer examiner (VE) requirements that are presently stated in four separate rule sections,¹⁵ and adding new Section 97.511, *Examinee conduct*, to emphasize that an examinee must comply with the instructions given by the administering VEs. Further, we are amending Section 97.9¹⁶ to treat Technician Plus as a license class. *Technician Plus* means that a Technician Class¹⁷ licensee has also passed a telegraphy examination. We believe that showing this information in our licensee data base and license document as a separate class rather than continue to treat it as a category of the Technician Class is consistent with current licensing procedures.

5. We firmly believe in the principle that government should be responsive to user needs.¹⁸ The rules that we are amending will enable us to use procedures that are responsive to requests from VEs, VECs, and applicants that the Commission reduce the time it takes to authorize new amateur service licensees to operate their stations. When these procedures are fully implemented, such authorizations will be made very quickly. These amendments have been made possible through modernization of the Commission's and the VECs' data processing capabilities.

6. Because the rule amendments adopted herein are nonsubstantive in nature, the notice and comment provisions of Section 553 of the Administrative Procedure Act, 5 U.S.C. § 553, need not be complied with. This action is taken under the authority delegated to the Chief, Private Radio Bureau, in Section 0.331(a)(1) of the Commission's Rules, 47 C.F.R. § 0.331(a)(1).

7. We certify that the Regulatory Flexibility Act of 1980 does not apply to the amended rules because there will not be any significant economic impact on a substantial number of small business entities, as defined by Section 601(3) of the Regulatory Flexibility Act. The amateur service may not be used to transmit communications for compensation, for the pecuniary benefit of the station control operator or the station control operator's employer, or for communications, on a regular basis, which could reasonably be furnished through other radio services. See 47 C.F.R. § 97.113. The Secretary shall send a copy of this *Order*, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 605(b) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. §§ 601-612 (1981).

8. Accordingly, IT IS ORDERED that effective December 20, 1994, Part 97 of the Commission's Rules, 47 C.F.R. Part 97, IS AMENDED as set forth below.

9. For further information, contact William T. Cross, Personal Radio Branch, (202) 632-4964.

FEDERAL COMMUNICATIONS COMMISSION

Ralph A. Haller
Chief, Private Radio Bureau

Appendix

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Part 97 - Amateur Radio Service

1. The authority citation for Part 97 continues to read as follows:

Authority citation: 48 Stat. 1066, 1082, as amended; 47 U.S.C. §§ 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. §§ 151-155, 301-609, unless otherwise noted.

2. Section 97.5 is amended by revising the entire text to read as follows:

§ 97.5 Station license required.

(a) The person having physical control of the station apparatus must have been granted a station license of the type listed in paragraph (b), or hold an unexpired document of the type listed in paragraph (c), before the station may transmit on any amateur service frequency from any place that is:

(1) Within 50 km of the Earth's surface and at a place where the amateur service is regulated by the FCC;

(2) Within 50 km of the Earth's surface and aboard any vessel or craft that is documented or registered in the United States; or

(3) More than 50 km above the Earth's surface aboard any craft that is documented or registered in the United States.

(b) The types of station licenses are:

(1) An operator/primary station license. One, but only one, operator/primary station license is granted to each person who is qualified to be an amateur operator. The primary station license is granted together with the amateur operator license. Except for a representative of a foreign government, any person who qualifies by examination is eligible to apply for an operator/primary station license. The operator/primary station license document is printed on FCC Form 660.

¹⁴ 47 C.F.R. § 97.509.

¹⁵ See Sections 97.509, 97.511, 97.515, and 97.517 of the Commission's Rules, 47 C.F.R. §§ 97.509, 97.511, 97.515, and 97.517.

¹⁶ 47 C.F.R. § 97.9.

¹⁷ The requirements for a Technician Class operator license are written examinations only. See Section 97.501(d) of the Commission's Rules, 47 C.F.R. § 97.501(d).

¹⁸ Vice President Al Gore, *Report of the National Performance Review, From Red Tape to Results: Creating a Government That*

Works Better and Costs Less, at 6-8 (1993). The Vice President's Report stresses putting people first. Serving customers and cutting costs are two of its key principles. This *Order* embraces these principles by revising rules to speed the authorization of amateur service operation, and reducing the cost to the taxpayers of processing the licenses.

(2) A club station license. A club station license is granted only to the person who is the license trustee designated by an officer of the club. The trustee must be a person who has been granted an Amateur Extra, Advanced, General, Technician Plus, or Technician operator license. The club must be composed of at least two persons and must have a name, a document of organization, management, and a primary purpose devoted to amateur service activities consistent with this Part. The club station license document is printed on FCC Form 660.

(3) A military recreation station license. A military recreation station license is granted only to the person who is the license custodian designated by the official in charge of the United States military recreational premises where the station is situated. The person must not be a representative of a foreign government. The person need not have been granted an amateur operator license. The military recreation station license document is printed on FCC Form 660.

(4) A RACES station license. A RACES station license is granted only to the person who is the license custodian designated by the official responsible for the governmental agency served by that civil defense organization. The custodian must be the civil defense official responsible for coordination of all civil defense activities in the area concerned. The custodian must not be a representative of a foreign government. The custodian need not have been granted an amateur operator license. The RACES station license document is printed on FCC Form 660.

(c) The types of documents are:

(1) A *reciprocal permit for alien amateur licensee* (FCC Form 610-AL) issued to the person by the FCC.

(2) An amateur service license issued to the person by the Government of Canada. The person must be a Canadian citizen.

(d) A person who has been granted a station license of the type listed in paragraph (b), or who holds an unexpired document of the type listed in paragraph (c), is authorized to use in accordance with the FCC Rules all transmitting apparatus under the physical control of the station licensee at points where the amateur service is regulated by the FCC.

3. Section 97.7 is amended by revising the text to read as follows:

§ 97.7 Control operator required.

When transmitting, each amateur station must have a control operator. The control operator must be a person who has been granted an amateur operator/primary station license, or who holds an unexpired document of the following types:

(a) A *reciprocal permit for alien amateur licensee* (FCC Form 610-AL) issued to the person by the FCC, or

(b) An amateur service license issued to the person by the Government of Canada. The person must be a Canadian citizen.

4. Section 97.9 is amended by revising the text to read as follows:

§ 97.9 Operator license.

(a) The classes of amateur operator licenses are: Novice, Technician, Technician Plus (until such licenses expire, a Technician Class license granted before February 14, 1991, is considered a Technician Plus Class license), General, Advanced, and Amateur Extra. A person who has been granted an operator license is authorized to be the control operator of an amateur station with the privileges of the operator class specified on the license.

(b) A person who has been granted an operator license of Novice, Technician, Technician Plus, General, or Advanced class and who has properly submitted to the administering VEs an application document, FCC Form 610, for an operator license of a higher class, and who holds a CSCE indicating that the person has completed the necessary examinations within the previous 365 days, is authorized to exercise the rights and privileges of the higher operator class until final disposition of the application or until 365 days following the passing of the examination, whichever comes first.

5. Section 97.17 is revised in its entirety to read as follows:

§ 97.17 Application for new license or reciprocal permit for alien amateur licensee.

(a) Any qualified person is eligible to apply for an amateur service license.

(b) Each application for a new amateur service license must be made on the proper document:

(1) FCC Form 610 for a new operator/primary station license;

(2) FCC Form 610-A for a *reciprocal permit for alien amateur licensee*; and

(3) FCC Form 610-B for a new amateur service club or military recreation station license.

(c) Each application for a new operator/primary station license must be submitted to the VEs administering the qualifying examination.

(d) Any eligible person may apply for a *reciprocal permit for alien amateur licensee* e. The application document, FCC Form 610-A, must be submitted to the FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245.

(1) The person must be a citizen of a country with which the United States has arrangements to grant reciprocal operating permits to visiting alien amateur operators is eligible to apply for a *reciprocal permit for alien amateur licensee*.

(2) The person must be a citizen of the same country that issued the amateur service license.

(3) No person who is a citizen of the United States, regardless of any other citizenship also held, is eligible for a *reciprocal permit for alien amateur licensee*.

(4) No person who has been granted an amateur operator license is eligible for a *reciprocal permit for alien amateur licensee*.

(e) No person shall obtain or attempt to obtain, or assist another person to obtain or attempt to obtain, an amateur service license or *reciprocal permit for alien amateur licensee* by fraudulent means.

(f) One unique call sign will be shown on the license of each new primary station. The call sign will be selected by the sequential call sign system.

(g) No new license for a club, military recreation, or RACES station will be granted.

6. The text of Section 97.19 is deleted and marked [Reserved].

7. Section 97.21 is amended in its entirety to read as follows:

§ 97.21 Application for a modified or renewed license.

(a) A person who has been granted an amateur station license that has not expired:

(1) Must apply for a modification of the license as necessary to show the correct mailing address, licensee name, club name, license trustee name, or license custodian name. The application document must be submitted to: FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245. For an operator/primary station license, the application must be made on FCC Form 610. For a club, military recreation, or RACES station license, the application must be made on FCC Form 610-B.

(2) May apply for a modification of the license to show a higher operator class. The application must be made on FCC Form 610 and must be submitted to the VEs administering the qualifying examination.

(3) May apply for renewal of the license for another term. (The FCC may mail to the licensee a FCC Form 610-R that may be used for this purpose.) The application may be made on the FCC Form 610-R if it is received from the FCC. If the Form 610-R is not received from the FCC at least 30 days before the expiration of the license, for an operator/primary station license, the application may be made on FCC Form 610. For a club, military recreation, or RACES station license, the application may be made on FCC Form 610-B. The application must be submitted no more than 90 days before its expiration to: FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245. When the application for renewal of the license has been received by the FCC at 1270 Fairfield Road, Gettysburg, PA 17325-7245 prior to the license expiration date, the license operating authority is continued until the final disposition of the application.

(4) May apply for a modification of the license to show a different call sign selected by the sequential call sign system. The application document must be submitted to: FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245. The application must be made on FCC Form 610. This modification is not available to club, military recreation, or RACES stations.

(b) A person who had been granted an amateur station license, but the license has expired, may apply for renewal of the license for another term during a 2 year filing grace period. The application document must be received by the FCC at 1270 Fairfield Road, Gettysburg, PA 17325-7245 prior to the end of the grace period. For an operator/primary station license, the application must be made on FCC Form 610. For a club, military recreation, or RACES station license, the application must be made on FCC Form 610-B. Unless and until the license is renewed, no privileges in this Part are conferred.

(c) Each application for a modified or renewed amateur service license must be accompanied by a photocopy (or the original) of the license document unless an application

for renewal using FCC Form 610-R is being made, or unless the original document has been lost, mutilated or destroyed.

(d) Unless the holder of a station license requests a change in call sign, the same call sign will be assigned to the station upon renewal or modification of a station license.

(e) A *reciprocal permit for alien amateur licensee* cannot be renewed. A new *reciprocal permit for alien amateur licensee* may be issued upon proper application.

8. Section 97.23 is amended in its entirety to read as follows:

§ 97.23 Mailing address.

(a) Each application for a license and each application for a *reciprocal permit for alien amateur licensee* must show a mailing address in an area where the amateur service is regulated by the FCC and where the licensee or permittee can receive mail delivery by the United States Postal Service. Each application for a *reciprocal permit for alien amateur licensee* must also show the permittee's mailing address in the country of citizenship.

(b) When there is a change in the mailing address for a person who has been granted an amateur operator/primary station license, the person must file a timely application for a modification of the license. Revocation of the station license or suspension of the operator license may result when correspondence from the FCC is returned as undeliverable because the person failed to provide the correct mailing address.

(c) When a person who has been granted a *reciprocal permit for alien amateur licensee* changes the mailing address where he or she can receive mail delivery by the United States Postal Service, the person must file an application for a new permit. Cancellation of the *reciprocal permit for alien amateur licensee* may result when correspondence from the FCC is returned as undeliverable because the permittee failed to provide the correct mailing address.

9. Section 97.25 is amended in its entirety to read as follows:

§ 97.25 License term.

(a) An amateur service license is normally granted for a 10-year term.

(b) A *reciprocal permit for alien amateur licensee* is normally granted for a 1-year term.

10. In Section 97.27 is amended in its entirety to read as follows:

§ 97.27 FCC modification of station license.

(a) The FCC may modify a station license, either for a limited time or for the duration of the term thereof, if it determines:

(1) That such action will promote the public interest, convenience, and necessity; or

(2) That such action will promote fuller compliance with the provisions of the Communications Act of 1934, as amended, or of any treaty ratified by the United States.

(b) When the FCC makes such a determination, it will issue an order of modification. The order will not become final until the licensee is notified in writing of the proposed action and the grounds and reasons therefor. The licensee will be given reasonable opportunity of no less than 30 days to protest the modification; except that, where safety of life or property is involved, a shorter period of notice may be provided. Any protest by a licensee of an FCC order of modification will be handled in accordance with the provisions of 47 U.S.C. § 316.

11. Section 97.29 is added to read as follows:

§ 97.29 Replacement license document.

Each person who has been granted an amateur station license or *reciprocal permit for alien amateur licensee* whose original license document or permit document is lost, mutilated or destroyed must request a replacement. The request must be made to: FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245. A statement of how the document was lost, mutilated, or destroyed must be attached to the request. A replacement document must bear the same expiration date as the document that it replaces.

12. In Section 97.301, paragraphs (a) through (g) are amended to read as follows:

§ 97.301 Authorized frequency bands.

(a) For a station having a control operator who has been granted an operator license of Technician, Technician Plus, General, Advanced, or Amateur Extra Class:

(b) For a station having a control operator who has been granted an operator license of Amateur Extra Class:

(c) For a station having a control operator who has been granted an operator license of Advanced Class:

(d) For a station having a control operator who has been granted an operator license of General Class:

(e) For a station having a control operator who has been granted an operator license of Novice or Technician Plus Class:

(f) For a station having a control operator who has been granted an operator license of Novice Class:

13. Section 97.501 is amended by revising the introductory paragraph, paragraphs (d) and (e), and by adding new paragraph (d) to read as follows:

§ 97.501 Qualifying for an amateur operator license.

Each applicant for the grant of a new amateur operator license or for the grant of a modified license to show a higher operator class, must pass or otherwise receive credit for the examination elements specified for the class of operator license sought:

(a) ***

(b) ***

(c) ***

(d) Technician Plus Class operator: Elements 1(A) or 1(B) or 1(C), 2, and 3(A).

(e) Technician Class operator: Elements 2 and 3(A).

(f) Novice Class operator: Elements 1(A) or 1(B) or 1(C), and 2.

14. Section 97.505, the entire text is amended to read as follows:

§ 97.505 Element credit.

(a) The administering VEs must give credit as specified below to an examinee holding any of the following documents:

(1) An unexpired (or expired but within the grace period for renewal) FCC-granted Advanced Class operator license document : Elements 1(B), 2, 3(A), 3(B), and 4(A).

(2) An unexpired (or expired but within the grace period for renewal) FCC-granted General Class operator license document : Elements 1(B), 2, 3(A), and 3(B).

(3) An unexpired (or expired but within the grace period for renewal) FCC-granted Technician Plus Class operator (including a Technician Class operator license granted before February 14, 1991) license document: Elements 1(A), 2, and 3(A).

(4) An unexpired (or expired but within the grace period for renewal) FCC-granted Technician Class operator license document: Elements 2 and 3(A).

(5) An unexpired (or expired but within the grace period for renewal) FCC-granted Novice Class operator license document: Elements 1(A) and 2.

(6) A CSCE: Each element the CSCE indicates the examinee passed within the previous 365 days.

(7) An unexpired (or expired for less than 5 years) FCC-issued commercial radiotelegraph operator license document or permit: Element 1(C).

(8) An expired or unexpired FCC-issued Technician Class operator license document granted before March 21 1987: Element 3(B).

(9) An expired or unexpired FCC-issued Technician Class license document granted before February 14, 1991: Element 1(A).

(10) An unexpired (or expired but within the grace period for renewal), FCC-granted Novice, Technician Plus (including a Technician Class operator license granted before February 14, 1991), General, or Advanced Class operator license document, and a FCC Form 610 containing:

(i) A physician's certification stating that because the person is an individual with a severe handicap, the duration of which will extend for more than 365 days beyond the date of the certification, the person is unable to pass a 13 or 20 words per minute telegraphy examination; and

(ii) A release signed by the person permitting the disclosure to the FCC of medical information pertaining to the person's handicap: Element 1(C).

(b) No examination credit, except as herein provided, shall be allowed on the basis of holding or having held any other license grant or document.

15. Section 97.507 is amended by revising paragraph (a) to read as follows:

§ 97.507 Preparing an examination.

(a) Each telegraphy message and each written question set administered to an examinee must be prepared by a VE who has been granted an Amateur Extra Class operator license. A telegraphy message or written question set, however, may also be prepared for the following elements by a VE who has been granted an FCC operator license of the class indicated:

(1) ***

(2) ***

(3) Element 2: Advanced, General, Technician, or Technician Plus Class operator.

* * * * *

16. Section 97.509 is amended by revising the text to read as follows:

§ 97.509 Administering VE requirements.

(a) Each examination for an amateur operator license must be administered by 3 administering VEs at an examination session coordinated by a VEC. Before the session, the administering VEs must make a public announcement stating the location and time of the session. The number of examinees at the session may be limited.

(b) Each administering VE must:

(1) Be accredited by the coordinating VEC;

(2) Be at least 18 years of age;

(3) Be a person who has been granted an FCC amateur operator license document of the class specified below:

(i) Amateur Extra, Advanced, or General Class in order to administer a Novice, Technician, or Technician Plus Class operator license examination;

(ii) Amateur Extra Class in order to administer a General, Advanced, or Amateur Extra Class operator license examination.

(4) Not be a person whose grant of an amateur station license or amateur operator license has ever been revoked or suspended.

(5) Not own a significant interest in, or be an employee of, any company or other entity that is engaged in the manufacture or distribution of equipment used in connection with amateur station transmissions, or in the preparation or distribution of any publication used in preparation for obtaining amateur operator licenses. (An employee who does not normally communicate with that part of an entity engaged in the manufacture or distribution of such equipment, or in the preparation or distribution of any publication used in preparation for obtaining amateur operator licenses, may be an administering VE.)

(c) Each administering VE must be present and observing the examinee throughout the entire examination. The administering VEs are responsible for the proper conduct and necessary supervision of each examination. The administering VEs must immediately terminate the examination upon failure of the examinee to comply with their instructions.

(d) No VE may administer an examination to his or her spouse, children, grandchildren, stepchildren, parents, grandparents, stepparents, brothers, sisters, stepbrothers, stepsisters, aunts, uncles, nieces, nephews, and in-laws.

(e) No VE may administer or certify any examination by fraudulent means or for monetary or other consideration including reimbursement in any amount in excess of that permitted. Violation of this provision may result in the revocation of the grant of the VE's amateur station license and the suspension of the grant of the VE's amateur operator license.

(f) No examination that has been compromised shall be administered to any examinee. Neither the same telegraphy message nor the same question set may be re-administered to the same examinee.

(g) Passing a telegraphy receiving examination is adequate proof of an examinee's ability to both send and receive telegraphy. The administering VEs, however, may also include a sending segment in a telegraphy examination.

(h) Upon completion of each examination element, the administering VEs must immediately grade the examinee's answers. The administering VEs are responsible for determining the correctness of the examinee's answers.

(i) When the examinee is credited for all examination elements required for the operator license sought, the administering VEs must certify on the examinee's application document that the applicant is qualified for the license.

(j) When the examinee does not score a passing grade on an examination element, the administering VEs must return the application document to the examinee and inform the examinee of the grade.

(k) The administering VEs must accommodate an examinee whose physical disabilities require a special examination procedure. The administering VEs may require a physician's certification indicating the nature of the disability before determining which, if any, special procedures must be used.

(l) The administering VEs must issue a CSCE to an examinee who scores a passing grade on an examination element.

(m) Within 10 days of the administration of a successful examination for an amateur operator license, the administering VEs must submit the application document to the coordinating VEC.

(2) Readminister any examination element previously administered by VEs, either itself or under the supervision of a VEC or VEs designated by the FCC; or

(3) Cancel the operator/primary station license of any licensee who fails to appear for readministration of an examination when directed by the FCC, or who does not successfully complete any required element that is readministered. In an instance of such cancellation, the person will be granted an operator/primary station license consistent with completed examination elements that have not been invalidated by not appearing for, or by failing, the examination upon readministration.

17. Section 97.511 is amended by revising the heading and text to read as follows:

§ 97.511 Examinee conduct.

Each examinee must comply with the instructions given by the administering VEs.

18. Section 97.515 is deleted and reserved.

§ 97.515 [Reserved]

19. Section 97.517 is deleted and reserved.

§ 97.517 [Reserved]

20. Section 97.519 is amended by revising paragraph (b) and adding a new paragraph (d) to read as follows:

§ 97.519 Coordinating examination sessions.

(a) ***

(b) At the completion of each examination session, the coordinating VEC must collect the FCC Forms 610 documents and test results from the administering VEs. Within 10 days of collecting the FCC Forms 610 documents, the coordinating VEC must screen and, for qualified examinees, forward electronically or on diskette the data contained on the FCC Forms 610 documents, or forward the FCC Form 610 documents, to: FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245. When the data is forwarded electronically, the coordinating VEC must retain the FCC Forms 610 documents for at least fifteen months and make them available to the FCC upon request.

(c) ***

(d) The FCC may:

(1) Administer any examination element itself;